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STATE REGULATION—PROPERTY IN OIL AND NATURAL GAS.

As illustrating how far a State can go in protecting rights of the public at the expense of individuals, and in marking out the peculiar nature of property rights in oil and natural gas, *Ohio Oil Co. v. Indiana*, 20 Sup. Ct. Rep. 526, is an important case. It was held that a statute prohibiting the free escape of gas or oil, was not a taking of private property within the 14th amendment, although the Oil Company was interested solely in getting oil, and to do so with profit, it was necessary to permit the gas to escape.

Natural gas and oil are practically minerals *feræ naturæ*, and until reduction to physical possession the surface owners have no actual property therein; merely the right to reduce. *Brown v. Vandegrift*, 80 Penn. St. 142; *People's Gas Co. v. Tyner*, 131 Ind. 271. But the analogy is not complete, for then the right being in the public, could be withheld. *Greer v. Connecticut*, 161 U. S. 519. Consequently there being no property, there could be no taking without due process as claimed. The fact that the company, engaged solely in extracting oil, suffers a hardship, goes to the wisdom and not the power of the Legislature, in passing such an act.

The importance of the object sought after—the preservation of a source of great wealth—seems to amply justify such legislation, as courts have held waste by one surface owner did not give an action to another suffering loss thereby. *Hague v. Wheeler*, 157 Penn. St. 324; *Jones v. Forest Oil Co.*, 44 Atl. Rep. 1074; the State ought to have the power by legislation to curb indiscriminate waste which might involve the loss of entire oil and gas deposits.

ASSOCIATED PRESS—DUTY TO PUBLIC—ILLEGAL CONDITIONS.

The recent case of the *Inter-Ocean Pub. Co. v. Associated Press Co.*, 56 N. W., Rep. 822, makes a new application of the law of monopolies which is of great importance. The *Inter-Ocean* was a member of the Associated Press Co., under contract to receive its news upon condition that it was neither to furnish nor receive news from outside companies deemed antagonistic. It violated its covenant by receiving from the Sun Printing and Publishing Co. news which the Associated Press was unable to furnish. By its agreement this rendered it liable to suspension from the Associated Press. An injunction is granted to prevent this, on the ground that the business of the Associated Press is impressed with a public interest, and must be carried on without discrimination, and that the provision in its by-laws requiring the exclusive use of its news as a condition of membership is void, as tending to create a monopoly.

This puts associations for collecting and vending news upon a plane with common carriers, telephone and telegraph companies as to their duty to treat all impartially; and news is deemed a commodity of public necessity which, like coal, gas, water, etc., it is illegal to monopolize. The justice and logic of this view can hardly be denied and is well supported by authority. A board of trade cannot withhold market quotations after a compliance with reasonable rules. *N. Y. & Chicago Exchange v. Chicago Board of Trade*, 127 Ill. 153. And telegraph and telephone companies must serve indiscriminately, their duty to the public being superior to any contract which they may have with an owner, whose patent they use. *Com. Union Tel. Co. v. N. E. Teleg. & Telp. Co.*, 6 Vt. 241; *Chesapeake Co. v. B. O. Tel. Co.*, 66 Md. 399; though this is denied in *Amer. Tel. Co. v. Conn. Tel. Co.*, 49 Conn. 352.

The duty of the Associated Press to the public is paramount to the rights it had under contract against the *Inter-Ocean*, and a provision compelling the exclusive use of its news is there-